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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE A.J.SADASHIVA

WRIT PETITION No. 21181/1991

BETWEEN:

R.Munuvenkatappa, s/o Chikka-
pillakka Ramiah, r/a Varthur
Village, Bangalore South Tq.,

.. Petitioner

(By Smt.Shantha Chellappa, Adv.,)

AND:

1. The Land Tribunal, Bangalore
South Tq., rep by its Secy.,
Dist. Court Buildings, Bangalore.
2. Sanjeevappa, c/o Muniswamappa,
r/a Varthur Village, Bangalore
South Tq.,
3. R.Narayanappa, since deceased,
rep by L.Rs:-

i) Savithramma.

ii) Rajanna

(Petition dismissed as
against R-3(ii) vide
Court Order dt. 4.11.97)

(By Sri K.H.Jagadish, GA, for R1)

This C.P is filed u/s 151 of CPC r/w u/s 17 of the KLR Act r/w Articles 226 and 227 of the Constitution of India, that for the reasons stated in the accompanying affidavit that this Hon'ble Court be pleased to consider this application and the Appeal No.LRA 158/86 filed before the Land Reforms Appellate Authority, Bangalore, may be treated as Writ Petition in view of amendment to Sec.17 of the Land Reforms Act.

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This Writ Petition coming on for prly.
hearing this day, the Court made the following :-

O R D E R


Though this petition is listed for preliminary hearing, the same is heard on merits and disposed of by this order, with the consent of the learned Counsel appearing on both the sides.

2. That, in view of the decision of this Court in SRI KUDLI SRINGERI MAHASAMSTHANAM Vs. STATE OF KARNATAKA , ILR 1992 Kar 1827, the order impugned in this petition is liable to be quashed for having been made by the Land Tribunal without authority of law.

3. Admittedly, the petitioner filed an application for grant of occupancy rights under the provisions of the Karnataka Inams (Religious and Charitable) Abolition Act, 1955 before the Special Deputy Commissioner for Inams Abolition, Bangalore District. In view of the provisions of the Karnataka Inams Abolition Laws (Amendment) Act, 1979 (hereinafter called "Act No.26/1979"), the applications were transferred to the Land Tribunal for hearing and disposal. The constitutionality of Act No.26/1979

was challenged by Kudli Sringeri Mahasamsthanam before this Court in W.P.No.7230 and 2590/1979. This Court declared that Karnataka Act 26/1979 is a still born, void and invalid Act. In that, it is enacted by the State Legislature without the necessary legislative competence. It is admitted that the Special Leave Petition filed against the said decision was also dismissed by the Supreme Court. In this view of the matter, the application decided by the Land Tribunal in view of the provisions of Karnataka Act No.26/1979 is without jurisdiction.

4. For the reasons aforesaid, this petition is allowed. The order dated June 22, 1982 passed by the Land Tribunal, Bangalore South Taluk, in case No.LRF.INA.1161 & 1135 is quashed only in so far as it relates to Sy.No.98, Sy.No.346 and Sy.No.165 of Varthur Village and the matter is remitted to the Land Tribunal, Bangalore South Taluk, with a direction to transmit the records to the Deputy Commissioner, Bangalore District, for hearing and disposal in accordance with law.



5. In the circumstances of the case, there is no order as to costs.

Sd/-
JUDGE

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